



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1538 OF 2024
WITH
CRIMINAL APPLICATION NO. 4036 OF 2024
IN ABA/1538/2024

Janardhan Onkar Deo
VERSUS
The State Of Maharashtra

- Mr. H. S. Surve, Advocate for the Applicant
- Mr. C. V. Bhadane, APP for the Respondent/State
- Mr. V. V. Bhavthankar, Advocate for the Informant

CORAM : R.M. JOSHI, J
DATE : OCTOBER 15, 2024

PER COURT :

1. At the outset, learned Counsel Mr. Bhavthankar seeks leave to assist APP.

2. Having regard to the nature offence, he is permitted to assist APP. Criminal Application No. 4036/2024 stands disposed of.

3. Applicant apprehends arrest in connection with with C.R. No. 174 of 2024 registered with Pimpalgaon Police Station, Dist. Jalgaon for the offences punishable under Section 420 of the Indian Penal Code.

4. First informant claims that he has purchased pesticides from the Applicant on 09.08.2023. It is alleged that after shelf life of the product was over, the said product was sold to him which has caused lost to him.

5. Learned Counsel for the Applicant has drawn attention of the Court to the proceedings filed by the informant before the Consumer Redressal Forum for seeking compensation in respect of said transaction. It is his further submission that informant had lodged complaint with Licensing Authority which has resulted into suspension of the license of the Applicant for a period of 90 days. It his submission that the FIR has been lodged after almost one year of the incident i.e., 23.07.2024. He has drawn attention of the Court to the documents which are placed on record indicating that the informant himself is history-sheeter and that he is prone to blackmailing people and in this regard, he has filed various proceedings. Finally, it is contended that custodial interrogation of the Applicant is not necessary and hence, the liberty of the Applicant be

protected.

6. Learned APP and learned Counsel for Informant opposed the application. It is the contention of the learned Counsel for the Informant that immediately on 06.10.2023 a written complaint was made to the concerned police, however, no action was taken at the relevant time. It is his submission that in order to ascertain as to whether the Applicant had sold such expired products to any other persons, his custodial interrogation is necessary.

7. Even if it is true that there are number of offences registered against the informant, this Court would prefer to decide this application on its own merit. Perusal of the FIR indicates that there is allegation that pesticides after expiry of its shelf life was sold to the informant by the Applicant. Thus, in so far as Informant is concerned, no custodial interrogation of the Applicant is contemplated. Perusal of the police papers do not indicate that any other complaint was made against Applicant about said sale. Needless to say that after selling products, customers

would have lodged the complaint with the concerned Authority or police. This Court *prima facie* finds that this is not the case of custodial interrogation. Hence, the order:

O R D E R

- (i) Application is allowed.
- (ii) In the event of arrest of the Applicant in connection with C.R. No. 174 of 2024 registered with Pimpalgaon Police Station, Dist. Jalgaon for the offences punishable under Section 420 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iii) He shall attend the concerned police station as and when required.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)